

Oct 18, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SHERI IRENE H.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:19-CV-03019-RHW

**ORDER GRANTING PARTIES'  
STIPULATED MOTION FOR  
REMAND**

Before the Court is the parties' Stipulated Motion for Remand. **ECF No. 22.**

The Commissioner of Social Security issued a partially favorable decision with respect to Plaintiff's application for Supplemental Security Income under Title XVI of the Social Security Act, 42 U.S.C. §1381-1383F.<sup>1</sup> AR 1030-1065. Plaintiff brought this action seeking judicial review of the Commissioner's final decision. ECF No. 1. The parties now jointly move the Court to reverse and remand for

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<sup>1</sup> The ALJ determined that Plaintiff was not disabled from the time she filed her application for Supplemental Security Income (August 23, 2010) through November 1, 2017. AR 1054. However, the Commissioner's decision was partially favorable because the ALJ determined that Plaintiff became disabled on November 1, 2017 and remained disabled through the date of his decision (December 5, 2018). AR 1054.

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1 further administrative proceedings. ECF No. 22. Based on the agreement of the  
2 parties and the record, the Court finds good cause to **GRANT** their motion.

3 The Commissioner's decision to issue a partially favorable decision with  
4 respect to Plaintiff's application for Social Security benefits is **REVERSED** and  
5 **REMANDED** for further proceedings pursuant to sentence four of 42 U.S.C. §  
6 405(g). On remand, the Appeals Council will instruct the Administrative Law  
7 Judge to:

- 8 • offer Plaintiff the opportunity for a hearing;
- 9 • reevaluate the medical evidence;
- 10 • reassess Plaintiff's Residual Functional Capacity based on the
- 11 currently available evidence; and
- 12 • issue a new decision.

13 *See* ECF No. 22 at 1-2. Moreover, upon remand, the finding that Plaintiff was  
14 disabled as of November 1, 2017, will not be disturbed. *Id.* at 2.

15 Accordingly, **IT IS HEREBY ORDERED:**

- 16 1. The parties' Stipulated Motion for Remand, **ECF No. 22**, is **GRANTED**.
- 17 2. The Commissioner's decision is **REVERSED** and this matter is
- 18 **REMANDED** for further administrative proceedings consistent with this order.
- 19 3. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is now **MOOT**.
- 20

**ORDER GRANTING PARTIES' STIPULATED MOTION FOR REMAND**

1       4. The District Court Executive shall enter judgment for the Plaintiff and  
2 against Defendant.

3           **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
4 Order, forward copies to counsel, and **close the file**.

5                   **DATED** this 18th day of October, 2019.

6                               *s/Robert H. Whaley*  
7                               **ROBERT H. WHALEY**  
                              Senior United States District Judge